

RECEIVED

IN THE UNITED STATES DISTRICT COURT
2005 OCT -5 FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION

DANIEL LAFITTE DUMONDE,
PETITIONER,

V.

STATE OF TENNESSEE, ET.AL.
RESPONDENTS.

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CASE NO. 2:05cv954-D

WRIT FOR HABEAS CORPUS, 28,U.S.C. §2241

COMES NOW PETITIONER, DANIEL LAFITTE DUMONDE, IN THIS WRIT-
FOR HABEAS-CORPUS TO COMPLAIN IN THIS HONORABLE COURT AND SEEK
REDRESS AND RELIEF FROM UNLAWFUL-DETAINER SEEKING EXTRADITION OF
PETITIONER. THAT SUCH DETAINER IS ILLEGAL ,UNCONSTITUTIONAL AND
AN IMPROPER REQUEST FOR RESTRAINT ON THIS PETITIONER'S FREEDOMS.

TO WIT;

TO PLACE THIS COMPLAINT IN PROPER PERSPECTIVE, A BRIEF PRE-
-HISTORY IS IN ORDER, AS FOLLOWS;

PRE-HISTORY

That petitioner was arrested on October 23, 2003, by Detectives
Sgt. V.W.TICE and LT. PAUL LOGAN of The Jefferson County Sheriff's-
-Department at Birmingham, Alabama, on a charge of "Theft of Property".

That at the same time as petitioner was arrested on this ILLEGAL-
-CHARGE, Petitioner was arrested and committed to the Jefferson-
-County Jail at Birmingham, Alabama, on an additional-charge of -
Theft on a "Fugitive from Justice Warrant" from SMYRNA, TENNESSEE.
- SEE ATTACHED "JEFFERSON COUNTY,ALABAMA, COUNTY JAIL IDENTIFICATION-
-CARD REFLECTING TENNESSEE CHARGE- "FFJ-TENNESSEE", and where it says-

(PAGE ONE)

- "HOLDOVER" - SMYRNA TN.
(PETITIONER'S EXHIBIT- "A")

NO WARRANT FROM TENNESSEE WAS EVER PRODUCED BY JEFFERSON COUNTY-
-ALABAMA SHERIFF'S PERSONNEL AT THE JAIL AS REPEATED REQUESTS
FOR SAME WENT UNADDRESSED.

As Petitioner was indicted on a seperate-Federal-Charge based
-on the same set of (Bad) facts, the State of Alabama charge of
"Theft" was dismissed. (This original-Alabama arrest has since
-been determined to be an illegal-arrest, as the Jefferson County,
Alabama Sheriff's Dept. Detectives did use concocted and fraudulent
-warrant-copy documents to effect the Alabama arrest without probable-
-cause to execute same. Sgt.V.W. TICE and LT. PAUL LOGAN have
now been sued in a Multi-Million Dollar lawsuit for that illegal-
-arrest, and this plaintiff has called for an official-investigation
from the F.B.I. concerning these officer's alledged criminal acts
in concocting the theft warrants.

On the Federal-Level, The State of Tennessee, et.al., dismissed-
thier detainer/fugitive request.

(SEE EXHIBIT-"B", "PRE-SENTENCE INVESTIGATION REPORT" 2-pages,
ON THE SECOND PAGE OF THIS FEDERAL-PROBATION DEPT. DOCUMENT DATED
-NOVEMBER 23, 2004, it is apparent that NO-DETAINERS have been
-placed on this defendant on the Fedral-level as of this date,
more than a Five-Months after the State of Alabama case was dis-
-missed June 8, 2004.

This second page of the Federal-Documents clearly affirms from
the U.S. Probation Dept. there- DETAINERS: None.

As I was subsequently committed to federal-prison on the federal-charges, I made an additional-complaint to The ALABAMA BUREAU-OF INVESTIGATION'S CHIEF KEN HALLFORD in MONTGOMERY, ALABAMA, concerning the Criminal-Complaint of the fraudulent warrant-copy concocted by SGT.V.W. TICE and LT. PAUL LOGAN in the dismissed Jefferson County, Alabama case, in early AUGUST,2005.

ALMOST IMMEDIATELY, THE STATE OF TENNESSEE,ET.,AL, APPARENTLY-RENEWED THIER DETAINER/REQUEST FOR PETITIONER, HERE AT THE FEDERAL-PRISON IN MONTGOMERY, in an improperly filed and arbitrary-request-placing an illegal-detainer on petitioner again, MORE THAN A YEAR-AFTER RETRACTING/DISMISSING SAME.

It is presumed that the detainer request, as it was capriciously renewed only after the recent request for criminal-investigation of Sgt. V.W. TICE and LT. PAUL LOGAN was submitted to The Alabama-Bureau of Investigation for consideration of charges, has been-UNTIMELY-RENEWED as favor to these Alabama-Officers in retaliation of petitioner's submission of evidence against them.

ILLEGAL DETAINER:IMPROPER FORM/REQUEST

Petitioner asserts the current request for detainer is illegal-because it was/is fundamentally-unfair and a DENIAL OF DUE-PROCESS of LAW, to first have been refused opportunity to examine the-Tennessee-warrant/documents as requested at the Jefferson County, Alabama Sheriff's dept./Jail.

It is fundamentally UNFAIR as CAPRICIOUS AND ARBITRARY ACTION, for The State of Tennessee, et.al., to have DISMISSED this detainer-request for more than one year-(16-MONTHS), and Now suddenly, RENEW THIS REQUEST 16 MONTHS LATER, hereⁿ again this AUGUST 8,2005.

The State of Tennessee has by willful delay of some 16-months, and a total of TWO-YEARS since first placing, then removing the -detainer/extradition request, prejudiced petitioner by precluding finding of any witnesses that may have been called in favor of any defense to the **vaugue allegations**, thereby denying to petitioner- the RIGHT TO A FAST AND SPEEDY TRIAL, and Due and orderly process.

IMPROPER FORM OF DEMAND

DISTRICT ATTORNEY'S LETTER. (ATTACHED EXHIBIT-"C")

THE STALE DISTRICT ATTORNEY'S LETTER IS DATED -OCTOBER 15,2003.

° THE LETTER is Unconstitutionally vaugue.

°It is UNADDRESSED TO ANYONE IN THIS STATE OF ALABAMA. This letter from William C. Whitesell, Jr., of Oct.15,2003, is addressed to Chief Mike Beach, Smyrna Police Department, 315 South Lowry St., -Smyrna, Tennessee.

° THERE IS NO ACCOMPANYING AFFIDAVIT TO ANY FACTS.

°THERE IS NO INFORMATION FILED BY DISTRICT ATTORNEY WHITESELL,- OR ANYONE ELSE THERE.

° DOES NOT STATE THAT THIS LETTER IS CONCERNING THE SAME THEFT- AS THE ACCOMPANYING WARRANT, OR WHICH OR WHAT "**THEFT**", NOR DOES IT CITE ANY VICTIM.

°NO CERTIFICATION THAT WHITESELL IS A PROSECUTING OFFICER IN THIS CASE.

THE WARRANT. (ATTACHED EXHIBIT-"D") & ("D-1")

° THERE IS NO RENDITION WARRANT OR DEMAND FROM EXECUTIVE AUTHORITY- OF THE STATE OF TENNESSEE.

ADDITIONAL WARRANT-COPY ISSUES. (continued next page)

WARRANT COPY ISSUES.

°The affiant,a Detective Rick Hall, Has NOT RECTIED PERSONAL-
-KNOWLEDGE, PROVIDES NO SOURCES OF INFORMATION NOR OTHER DETAILS,
only recites "hearsay" both vague and impermissably in the Third-
-Person.

° The victim, if there is a victim, HAS NOT SIGNED THIS WARRANT,
° THERE IS NO VICTIM STATEMENT,NOR ANY FIRST PERSON-ACCOUNT OF
ANY-CRIME. THE WARRANT FAILS TO SUFFICIENTLY CHARGE A CRIME.

PROBABLE-CAUSE.

The affiant states that, a diamond ring was obtained from, and
then sold to a Robert Buck.

The warrant dated **October 8,2003**, states-DANIEL LAFITTE DUMONDE
**DID UNLAWFULLY AND KNOWINGLY OBTAIN OR EXERCISE CONTROL OF CERTAIN-
-PROPERTY,to wit: 4.21 ct. diamond ring,**

**-of the value of \$7,750.00 the property of one ROBERT BUCK,without
the owner's effective consent and with the intent to deprive
the owner thereof. Probable Cause as follows:**

"On or around August 27,2003, Mr. DuMonde sold a stole ring to
Robert Buck for \$7,750,cash. He told Mr. Buck his name was Daniel-
-Spencer and that the ring had been in the family a long time.
On October 8, 2003, Mr.Buck Identified Mr. DuMonde in a photo-line-
-up as the person that (illegible) ring that he purchased."

° **THERE IS NO PHOTO-LINE-UP PROVIDED NOR SIGNED BY ANY"VICTIM",
INCLUDING ANY "ROBERT BUCK".**

° **IT IS A VAUGUE CONCLUSORY STATEMENT NOT MADE BY THE VICTIM,
NOR DOES THE AFFIANT, DET.RICK HALL, SAY THAT ROBERT-BUCK NOR
ANY OTHER PERSON HAS PROVIDED THE INFORMATION STATED.**

° THE STATEMENT FAILS TO SUFFICIENTLY CHARGE A CRIME NOR MAKE-
-OUT A PRIMA-FACIE CASE OF LEGAL DETENTION.

OTHER WARRANT-COPY ISSUES.

THE WARRANT COPY BEARS NO SEAL, AND CERTIFIES NOTHING, EXCEPT FOR A "RUBBER-STAMP" AND AN ILLEGIBLE SIGNATURE.

° A JURAT IS NOT ATTACHED, AND THERE IS NOTHING TO SHOW THAT-
THIS VAUGUE-STATEMENT WAS EVEN MADE BEFORE A MAGISTRATE.

° IT APPEARS TO HAVE BEEN MADE IN FRONT OF A "LISA K. WAGNER," HOWEVER, IT IS UNCERTAIN WHAT TITLE OR AUTHORITY-"LISA K. WAGNER" HAS, AS THE TITLE OF"JUDGE,SMYRNA CITY-COURT JUDICIAL COMMISSIONER", APPEARS UNDER "LISA K. WAGNER' THERE IS APPARENTLY A DISCLAIMER,AS THE WORD/TITLE-"JUDGE" IS MARKED THROUGH WITH A-'/"SLASH, UNDER EACH "LISA K.WAGNER" SIGNATURE.

°IN ADDITION, THERE IS NO INDICTMENT/ -NOR AFFIDAVIT.

C

IN CONCLUSION

THE WARRANT AND SUPPORTING DISTRICT ATTORNEY LETTER ARE INSUF-
-FICIENT TO SUPPORT THIS CAUSE OF ACTION BY THE STATE OF TENNESSEE TO DETAIN OR EXTRADITE THIS PETITIONER, THE DEMAND IS INSUFFICIENT BY BOTH THE STATE OF ALABAMA'S EXISTING LAWS, FEDERAL STATUTES OR THE UNITED STATES CONSTITUTION.

"WHERE COMPLAINT IN INTERSTATE EXTRADITION PROCEEDING STATED ONLY BARE CONCLUSIONS, IT WOULD NOT SUPPORT A FINDING OF PROBABLE-
-CAUSE" CODE OF ALABAMA.1975, §§ 15-9-31, 15-9-33.

"Function of courts in extradition proceedings is statutory and is to insure that a proper formal charge exists against the accused and that he is a fugitive"
RAYBURN V. STATE, ALA. 366 Southern Reporter,2d Series, 698.

"A proceeding for extradition is not a trial, but the issue is -confined to a single question of whether the evidence for the state makes a prima facie case of guilt sufficient to make it proper to hold the party for trial"

Charlton v. Kelly, 229 US 447,33 S Ct 945.

While there has been no demand to the executive authority of the State of Alabama, Petitioner contends equally that as there is NO INDICTMENT, and there is no victim statement, affidavit-
-of facts, nor even a written demand by the prosecutor to the
Bureau of Prisons here, the demand by Smyrna, Tennessee is
improper, vague at best, defective and impermissible as cause
to further detain this petitioner.

Moreover, an indictment or affidavit is required by the provisions of US Rev Stat §5278,USCS title 18,§662 governing interstate extradition.

COMPTON v. ALABAMA, 214 US 1,29 S Ct 605.

ON THE ABOVE PREMISES CONSIDERED, YOUR PETITIONER
SEEKS REDRESS OF THIS GRIEVANCE IN THIS HONORABLE-
COURT, FOR ORDER FINDING THE DEMAND BY THE STATE-
-OF TENNESSEE IMPROPER TO DETAIN THIS PETITIONER,
AND THAT SAME BE DIRECTED TO THE BUREAU OF PRISONS
AT MAXWELL A.F.B., MONTGOMERY, ALABAMA.

Sworn under penalty for perjury

and Respectfully Submitted,

THIS 3 DAY OF OCTOBER, 2005,


DANIEL L. DUMONDE, Petitioner

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#21609-001, MOBILE-B

F.P.C. MONTGOMERY, AL.

JEFFERSON COUNTY JAIL

IDENTIFICATION CARD

JAIL # 20314092 JCID # 178493 CLASS PNGG DATE 10-23-2003
 BOOKING DEP. HP SEARCH DEP. ADH CELL # 7- F-01 TIME 0940

NAME DUMONDE, DANIEL LAFITTE
 TRUE NAME

CHARGE

HARASSING COMM
 TOP 1
 FFJ-TENNESSEE

WARRANT

02-00109386
 01-00418453

BOND

\$500
 \$100000
 XXX

CASE #

HOLD OVER 3556 0157 NONE SMYRNA TN

PROPERTY

PL. Keys coins rings watch \$ 494.00

Credit Card ALDI
 SIGNATURE X *Daniel Dumonde*
 (SIGNATURE DENOTES RECEIPT OF PROPERTY ITEMS LISTED)

EMERGENCY INFORMATION

NAME EVELYN WATTS MOM* PHONE 205-425-4037
 ADDRESS SEE BELOW*
 BIRTH
 HOME PHONE 205-000-0000 PLACE NY RACE W SEX MAGE 51
 DOB 03-31-1952 WGT. 195 HGT. 5'10 EYES BLD HAIR BRO
 SSN # 077-68-7398 AIS #
 LIVES 1829 13TH ST. NO BESSEMER AL 35020
 MARRIED/SINGLE S SPOUSE'S FIRST NAME
 EMPLOYED BY DISABLED
 FATHER DECEASED* MOTHER EVELYN WATTS*
 ADDRESS 1500 EXETER AVE APT 706 BESS AL
 COMMITTING ORI
 AGENCY AL0010000 ARRESTING OFFICER MILLER
 JCISO BADGE #

HABEAS EXHIBIT "A"
 FRONT